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10/070,221	08/19/2002	Sunao Takatori	2222.6090001	9612

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LE, CANH

ART UNIT	PAPER NUMBER
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2439

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10/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/070,221	Applicant(s) TAKATORI ET AL.	
	Examiner CANH LE	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15-19, 21-27 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15-19, 21-27 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the application 10/070221 filed on 08/31/2010.

Claims 1-10 and 14, 20, 28-30 have been cancelled.

Claims 11, 13, 15-18, and 21-27 have been amended.

Claim 31 have been added.

Claims 11-13 and 15-19, 21-27, and 31 have been examined and are pending.

This Action is made FINAL.

Response to Arguments

Applicant's arguments, see page 11, filed 08/31/2010, with respect to the specification have been fully considered. The objection of the specification has been withdrawn due to amendment and cancellation of claim 20.

Applicant's arguments, see page 11, filed 08/31/2010, with respect to the 35 U.S.C. § 112, 1st rejection of claims 17 and 23-27 have been fully considered. The 35 U.S.C. §112, 1st rejection of claims 17 and 23-27 has been withdrawn due to amendment.

Applicant's arguments, see page 12, filed 08/31/2010, with respect to the 35 U.S.C. § 112, 2nd rejection of claims 16-17, 20, 23, and 26 have been fully considered. The 35 U.S.C. §112, 2nd rejection of claims 16-17, 20, 23, and 26 has been withdrawn due to amendment and cancelled claims.

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Applicant's arguments, see page 13, filed 08/31/2010, with respect to the 35 U.S.C. § 101 rejection of claim 21 have been fully considered but they are not persuasive. The 35 U.S.C. § 101 rejection of claim 21 is maintained for the following reasons:

Claim 21 recites “a tangible computer-readable medium” in line 1. The specification does not explicitly what kind of computer-readable medium are claimed. Also, the specification does not explicitly exclude a non-transitory medium from the claimed tangible computer readable medium.

Broadly interpreted, a “computer-readable medium” can be any means that include propagate and transmission signals, which are non-eligible subject matter under 35 U.S.C. 101; Therefore, the claims are directed to non-statutory subject matter. The Examiner respectfully suggests that the claims be amended as “A non-transitory computer readable storage medium” to make the claim statutory under 35 U.S.C. 101 (emphasis added).

Applicant's arguments have been fully considered but they are not persuasive. The Applicant argues the following:

(A) The Applicant has amended claim 18 which recites, inter alia, "a plurality of independent authentication levels." Nowhere does French disclose a plurality of independent authentication levels, as recited claim 18. Schuichi and Taro cannot be used to the deficiencies of French.

The Examiner respectfully disagrees for the following reasons:

Per (A):

The combination of Shuichi, Taro, and French teaches all limitations in claim 18.

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French discloses first one of independent authentication levels is used for the transaction **[French: par. [0010]; a first level of authentication based on a first type of information]**.

the request for information is received after the transaction has completed when a second one of independent authentication levels is used for the transaction **French: par. [0010]; a second level of authentication using another type of information; fig. 3; par. [0143-0145]**. A first level of authentication based on a first type of information and a second level of authentication based on another type of information. Therefore, they are independent to each other.

The applicant's amendment filed 08/31/2010 necessitated the new ground(s) of rejection presented in this Office action. Therefore, applicant's arguments with respect to claims 11-13 and 15-17, 21-27, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 18 is objected to because of the following informalities: Appropriate correction is required.

Regarding to claim 18, the Applicant amended a word “***independent***” in the claim however the word “***independent***” is not underlined (See, MPEP 2234 [R-7] Entry of Amendments).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

There is no antecedent basis for "*a tangible computer-readable medium*" for claim 21.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 21 recites "a tangible computer-readable medium" in line 1. The specification does not explicitly what kind of computer-readable medium are claimed. Also, the specification does not explicitly exclude a non-transitory medium from the claimed tangible computer readable medium.

Broadly interpreted, a "computer-readable medium" can be any means that include propagate and transmission signals, which are non-eligible subject matter under 35 U.S.C. 101; Therefore, the claims are directed to non-statutory subject matter. The Examiner respectfully suggests that the claims be amended as "A non-transitory computer readable storage medium" to make the claim statutory under 35 U.S.C. 101 (emphasis added).

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Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-13 and 15-19, 21, 23-27, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 11 and 21 recite the limitations “*authenticating the user for transaction before completing the transaction if the price is below a threshold amount, which corresponds to a second authentication level.*” and “*authenticating the user for transaction after completing the transaction if the price is above a threshold amount, which corresponds to a second authentication level.*” However, the aforementioned limitation **was not defined** in the specification. As a result, the specification fails to convey to one skilled in the art at the time the application was filed, that the inventor(s) had possession of the claimed invention. The Examiner respectfully requests the Applicant **NOT ONLY to point out BUT ALSO explain in FULL DETAILS** where in the specification support can be found for the aforementioned newly added limitations. Applicant is required to cancel the new matter in the reply to this Office Action.

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Claim 17 recites the limitations “authenticating of the user is performed for transaction before completing the transaction if the price is below a threshold amount, which corresponds to a second authentication level.” and “authenticating of the user is performed for transaction after completing the transaction if the price is above a threshold amount, which corresponds to a second authentication level.” However, the aforementioned limitation **was not defined** in the specification. As a result, the specification fails to convey to one skilled in the art at the time the application was filed, that the inventor(s) had possession of the claimed invention. The Examiner respectfully requests the Applicant **NOT ONLY to point out BUT ALSO explain in FULL DETAILS** where in the specification support can be found for the aforementioned newly added limitations. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim 18 recites the limitations “when a first one of a plurality of **independent** authentication levels is used for the transaction” and “when a second one of a plurality of **independent** authentication levels is used for the transaction.” However, the aforementioned limitation **was not defined** in the specification. As a result, the specification fails to convey to one skilled in the art at the time the application was filed, that the inventor(s) had possession of the claimed invention. The Examiner respectfully requests the Applicant **NOT ONLY to point out BUT ALSO explain in FULL DETAILS** where in the specification support can be found for the aforementioned newly added limitations. Applicant is required to cancel the new matter in the reply to this Office Action.

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Claims 12-13, 15-16, 22, and 31 are dependent on claim 11, and therefore inherit the 35 U.S.C 112, first paragraph as failing to comply with the written description requirement of the independent claims.

Claims 23-27 are dependent on claim 17, and therefore inherit the 35 U.S.C 112, first paragraph as failing to comply with the written description requirement of the independent claims.

Claim 19 is dependent on claim 18, and therefore inherit the 35 U.S.C 112, first paragraph as failing to comply with the written description requirement of the independent claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 recites the limitation "the communication device" in line 8. There is insufficient antecedent basis for this limitation in the claim.

The Examiner kindly requests the Applicant to point out with specificity (i.e. column and line) in the specification where it describes/supports the aforementioned limitation (Emphasis added).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 17, 21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-76336 (hereinafter **Taro**) in view of US Patent Application Publication 2001/0001877 A1 (hereinafter **French**) and further in view of US Patent Number 5,914,472 (hereinafter **Foladare**).

As per claim 11:

Taro teaches a method, comprising:

(a) receiving a first request, from a service device, for information regarding authentication of a user wherein the first request is in response to a transaction at the service device [Taro: par. [0024], “The electronic banking authorization system 1-7 receives each authentication request demand from two or more Electronic Commerce Technology Division service provider equipment 1-6. It has the function to perform authentication for electronic banking alone about a user, and functions as an authentication center intensively prepared to two or more Electronic Commerce Technology Division service providers” Electronic Commerce Technology Division service provider is known as a service device].

Tara does not explicitly disclose,

(a1) identifying a price of a product or service to be purchased by the users;

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(b) authenticating the user for the transaction before completing the transaction if the price is below a threshold amount, which corresponds to a first authentication level; and

(c) authenticating the user for the transaction after completing the transaction if the price is above a threshold amount, which corresponds to a second one of the authentication level.

However, French teaches, (a1) identifying a price of a product or service to be purchased by the users [**French: par. [0019-0020], [0021]; identifying a *small purchase* may not require an extensive authentication process, on the other hand, a *large purchase* is required a more thorough authentication process**];

(b) authenticating the user for the transaction before completing the transaction if the price is below a threshold amount, which corresponds to a first authentication level [**French: par. [0019-0020]; transaction the user is applying for such as an electronic brokerage trade, is either *carried out or not carried out or the action taken* depending on the result of authentication; par. [0021-0022]; in the context of electronic commerce, lower risk transaction such as relative small purchases (i.e. *below certain threshold*) may not require an extensive authentication process**]; and

(c) authenticating the user for the transaction if the price is above a threshold amount, which corresponds to a second one of the authentication level [**French: par. [0019-0020]; par. [0021-0022]; ... more sensitive or greater risk transaction such as large purchases (i.e. *above certain threshold*) or sensitive data access may require a more thorough authentication process and greater level of certainty; par. [0024-0025]**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method and system of Taro with the teaching of French to

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provide an authentication system and method that generate a score indicating the confidence or certainty level of authentication [**French, par. [0017]**].

French discloses authenticating the user for the transaction if the price is above a threshold amount, which corresponds to a second one of the authentication level but is silent the above condition after completing the transaction.

However, Foladare teaches credit card spending authorization control system, wherein authenticating the user for the transaction after completing the transaction if the price is above a threshold amount [**Foladare: fig. 1; Col. 2, line 33 to Col. 3, lines 22; Col. 4, line 8 to Col. 5, line 8**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method and system of Taro and French with the teaching of Foladare to provide a system for controlling the spending limits of an ancillary cardholder whereby communication is established with the account holder when the ancillary cardholder has exceeded a predetermined spending limit, and the account holder is required or whether or not to increase the ancillary cardholder's spending limit and by how much as suggest by Foladare [**Foladare: Col. 2, lines 15-24**].

As per claim 17:

This claim has limitations that are similar to those of claim 11, thus it is rejected with the same rationale applied against claim 11 above.

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As per claim 21:

This claim has limitations that are similar to those of claim 11, thus it is rejected with the same rationale applied against claim 11 above.

As per claim 31:

The combination of Taro, French, and Foladare teaches the subject matter as described above.

The combination of Taro, French, and Foladare further teaches,

(a) wherein the second authentication level occurs if the price is above a first threshold and below a second threshold [**French: par. [0019-0020]; par. [0021-0022]; ... more sensitive or greater risk transaction such as large purchases (i.e. *above certain threshold*) or sensitive data access may require a more thorough authentication process and greater level of certainty; par. [0024-0025]** and the second authentication comprises authenticating the user after receiving a first confirmation from the user [**French: [0024-0027]; The interactive query might ask the user for lender's name or payment amount...**]; and

(b) wherein a third authentication level occurs if the price is above the second threshold and the third authentication level comprises authenticating the user after receiving the first confirmation from the user and a second confirmation from the communications device [**French: par. [0022]; enabling different levels of authentication to be performed based on the level of security desired; par. [0157]; “Although illustrated with two levels of authentication processing, it will be understood that the invention contemplates three or more levels of authentication performing additional databases or prompting the user for more information, when appropriate to transaction requirement..”**].

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Claims 12 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-76336 (hereinafter **Taro**) in view of US Patent Application Publication 2001/0001877 A1 (hereinafter **French**) further in view of US Patent Number 5,914,472 (hereinafter **Foladare**), and further in view of JP 2000-92236 (hereinafter **Shuichi**).

As per claim 22:

The combination of Taro, French, and Foladare teaches the subject matter as described above.

Taro further teaches the method of claim 11, wherein the authenticating comprises:

(a) transmitting to a device a second request for user identification information in response to receiving the first request [**Taro: par. [0012]; “A means to ***** a user terminal through a public network based on this user identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal”**];

(b) receiving the user identification information from a user communications device [**Taro: par. [0012]; “A means to ***** a user terminal through a public network based on this user identifier, and to receive the secrecy information of the user for electronic banking directly through this public network from a user terminal”**];

(c) comparing the user identification information and authentication information to generate comparison results [**Taro: par. [0078]; “Furthermore, in order that an electronic banking authorization system may perform his identification by calling back the Electronic Commerce Technology Division service user based on the subscriber information**

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memorized by the database storage section, the Electronic Commerce Technology Division service provider side and the user side -- him -- necessity of the special authentication equipment for identification cannot be carried out, but simple composition can perform his identification, and trouble generating of an unjust claim of the charge by a user's malpractice etc. can be prevented”]; and

(d) using the comparison result for the authentication [**Taro: par. [0078]**].

Taro, French, and Foladare do not explicitly teach a user terminal as a mobile communication device.

However, Schuichi teaches a mobile communication device which transmits a user ID to a host communications devices to a demand [**Schuichi: par. [003]; “A communication terminal transmits a user ID to a provider to the demand. A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously”; fig. 1, a communication terminal is a mobile device 100]**.

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro, French, and Foladare by including the teaching of Schuichi to provide users with a means for safely and effectively performing authentication between a registered user and a service provider [**Schuichi: abstract and par. [0003]**].

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As per claim 12:

The combination of Taro, French, Foladare, and Schuichi teaches the subject matter as described above.

Schuichi further teaches the method of claim 22, wherein identification information of the user includes personal attributes of the user [Schuichi : par. [003]; **“A communication terminal transmits a user ID to a provider to the demand. A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously”; fig. 1, a communication terminal is a mobile device 100].**

As per claim 23:

This claim has limitations that are similar to those of claim 22, thus it is rejected with the same rationale applied against claim 22 above.

As per claim 24:

This claim has limitations that are similar to those of claim 12, thus it is rejected with the same rationale applied against claim 12 above.

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Claims 13 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-76336 (hereinafter **Taro**) in view of US Patent Application Publication 2001/0001877 A1 (hereinafter **French**), in view of US Patent Number 5,914,472 (hereinafter **Foladare**), further in view of JP 2000-92236 (hereinafter **Shuichi**), and further in view JP 06-215009 (hereinafter **Schunichi**).

As per claim 13:

The combination of Taro, French, Foladare, and Schuichi teaches the subject matter as described in claim 22.

Taro, French, Foladare, and Schuichi do not explicitly teach receiving from the service device information regarding current products or services provided.

However, Schuichi teaches receiving from the service device information regarding current products or services provided [**Schunichi: par. [005]; “The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro, French, Foladare, and Schuichi of the invention by including the step of Schunichi to provide a credit card transaction processing

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having capability of dealing with unjust dealings and exceeding the purchase limit [**Schunichi: par. [005]**].

As per claim 25:

This claim has limitations that are similar to those of claim 13, thus it is rejected with the same rationale applied against claim 13 above.

As per claim 26:

The combination of Taro, French, Foladare, and Schuichi teaches the subject matter as described above.

Taro, French, Foladare, and Schuichi do not explicitly teach wherein a parameter of the transaction is the price of service, services provision area, service provision frequency, or total sum of money for the services provided.

However, Schunichi teaches a card processing system wherein a parameter of the transaction is the price of service, services provision area, service provision frequency, or total sum of money for the services provided [**Schunichi: claim 1, claim 2; par. [005]; “The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system**

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which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro, French, Foladare, and Schunichi by including the teaching of Schunichi to provide a credit card transaction processing having capability of dealing with unjust dealings and exceeding the purchase limit [**Schunichi: par. [005]**].

Claims 15-16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-76336 (hereinafter **Taro**) in view of US Patent Application Publication 2001/0001877 A1 (hereinafter **French**), further in view of US Patent Number 5,914,472 (hereinafter **Foladare**), and further in view of JP 06-215009 (hereinafter **Schunichi**).

As per claim 15:

The combination of Taro, French, Foladare teaches the subject matter as described in claim 11.

Taro, French, Foladare do not explicitly teach wherein the determining further comprises:

(a) comparing the parameter of the transaction with a parameter of a past transaction provided.

However, Schunichi teaches comparing the parameter of the transaction with a parameter of a past transaction provided [**Schunichi: par. [005]**]; **“The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the**

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credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Taro, French, Foladare by including the teaching of Schunichi to provide a credit card transaction processing having capability of dealing with unjust dealings and exceeding the purchase limit [Schunichi: par. [005]].

As per claim 16:

The combination of Taro and French, Foladare, Schunichi teaches the subject matter as described above.

Schunichi further teaches a card processing system wherein the parameter is the price of service, services provision area, service provision frequency, or total sum of money for the services provided [Schunichi: claim 1, claim 2; par. [005]; **“The purpose of this invention memorizes cumulatively the amount of money for purchase in a unit period for every card number of each card issuer. When the amount of money for purchase memorized about the credit card shown at the time of processing of transactions exceeds the purchase limit set up beforehand, it is in offering the card processing system which can prevent that buy it and unjust dealings of the large sums by the surroundings are performed by transmitting that to a card issuer”].**

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As per claim 27:

This claim has limitations that are similar to those of claim 15, thus it is rejected with the same rationale applied against claim 15 above.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-92236 (hereinafter **Shuichi**) in view of JP 2000-76336 (hereinafter **Taro**), further in view of US Patent Application Publication 2001/0001877 A1 (hereinafter **French**).

As per claim 18:

Schuichi teaches a communications device, comprising:

(a) a receiver operable to receive, from a host computer, a request for information regarding authentication of a user [[at a service device, wherein the request is in response to a transaction at the service device]] [**Schuichi : par. [003]; “the provider of whom connection was required demands transmission of a user ID from a communication terminal first. A communication terminal transmits a user ID to a provider to the demand”**];

(b) a storage device operable to store information regarding the authentication of the user [**Schuichi : par. [003]; “A communication terminal transmits a user ID to a provider to the demand”; It is inherent that communication terminal stores user ID in a memory before transmitting user ID to a provider**]; and

(c) a transmitter operable to transmit information regarding the authentication of the user, stored in the storage device, to the host computer in response to receiving the request for information regarding the authentication of the user [**Schuichi : par. [006]-[007]; “Moreover,**

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invention according to claim 9 data in the information service equipment which transmits through a communication line to the attested communication terminal connection request from said communication terminal. It is characterized by having a terminal specific information receiving means to receive the terminal specific information which specifies the communication terminal concerned, and the authentication means which attests whether said connection request is recognized based on said terminal specific information which received”];

(d) wherein the communications device is a mobile communications device [**Schuichi : fig. 1, box 100; par. [0010], cellular phone and land mobile radiotelephone].**

Schuichi does not explicitly teach a request for information regarding authentication of a user at service device, wherein the request is in response to a transaction at the service device.

However, Taro teaches teach a request for information regarding authentication of a user at service device, wherein the request is in response to a transaction at the service device [**Taro: par. [0024], “The electronic banking authorization system 1-7 receives each authentication request demand from two or more Electronic Commerce Technology Division service provider equipment 1-6. It has the function to perform authentication for electronic banking alone about a user, and functions as an authentication center intensively prepared to two or more Electronic Commerce Technology Division service providers”; Electronic Commerce Technology Division service provider is known as a service device].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the communication device of Schuichi by including the teaching

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of Taro to provide users with a means for performing banking authentication while preventing leaking of secrecy information [**Taro: par. 0011**].

Schuichi and Taro do not explicitly teach,

(e) wherein the request for information is received before the transaction has completed when a first one of an authentication level is used for the transaction,

(f) wherein the request for information is received after the transaction has completed when a second one of an authentication level is used for the transaction.

However, French teaches system and method for authentication of network users with preprocessing, wherein

(e) the request for information is received before the transaction has completed when a first one of independent authentication levels is used for the transaction [**French: par. [0010]; a first level of authentication based on a first type of information**].

(f) the request for information is received after the transaction has completed when a second one of independent authentication levels is used for the transaction [**French: par. [0010]; a second level of authentication using another type of information; fig. 3; par. [0143-0145]**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method and system of Shuichi and Taro By including the teaching of French to provide an authentication system and method that generate a score indicating the confidence or certainty level of authentication [**French, par. [0017]**].

As per claim 19:

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Schuichi further teaches the communications device of claim 18, wherein the transmitter is further operable to selectively transmit, to the host computer, information regarding the authentication of the user based on a type of authentication requested [Schuichi : par. [003]; “**A provider will demand transmission of a password from a communication terminal next, if a user ID checks that it is regular ID. A communication terminal transmits a password to the demand. And a provider performs user authentication by distinguishing whether the transmitted password is a password corresponding to the user ID transmitted previously**”].

Conclusion

The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application. Failure to show support can result in a non-compliant response.

When responding to this office action, Applicant is advised that if Applicant traverses an obviousness rejection under 35 U.S.C. 103, a reasoned statement must be included explaining why the Applicant believes the Office has erred substantively as to the factual findings or the conclusion of obviousness See 37 CFR 1.111(b).

Additionally Applicant is further advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or

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the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 6636833 B1 to Flitcroft; Daniel I. et al.;

US 7571142 B1 to Flitcroft; Daniel I. et al.;

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Orgad Edan can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2439

October 20, 2010

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439